IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 11315 of 2005

Between:

Kumuravelly Krishna, S/o. K. Lakshmi Narayana,
R/O. 8-83, Raju Colony, Balanagar, Ranga Reddy District.

..... PETITIONER

AND

The Commissioner, Kukatpally Municipality,
Kukatpally, Ranga Reddy District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent in issuing impugned proceedings in C.O.No. TPS.III/04/2005-06 dated 5-5-2005 for demolition of my residential house bearing D.No. 10-148/6/E/B to D on Plot No. 44 part consisting of two rooms in Sy.Nos. 54 and 56 admeasuring 122.22 sq. yards situated at Vinayakanagar under Balanagar (V) & (M) Kukatpally Municipality, Ranga Reddy District as illegal, unjust, arbitrary and mala fide besides being violtive of provisions of A.P. Muncipalities Act 1965 and A.P. Urban Areas (Development) Act 1975 and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.K.SANKARAYYA

Counsel for the Respondent: MR.POLISETTI RADHAKRISHNA (SC FOR MPL)

The Court made the following ORDER:

This writ petition has been filed by the petitioner with a prayer to issue a Writ of Mandamus declaring the action of the respondent in issuing the impugned proceedings in C.O.No.TPS.III/04/2005-06, dated 05.05.2005 for demolition of his residential house bearing D.No.10-148/6/E/B to D in plot No.44 part, in Sy. Nos. 54 and 56, admeasuring 122.22 sq yards situated at Vinayakanagar under Balanagar (V)&(M) as illegal, arbitrary and contrary to the provisions of the A.P. Municipalities Act, 1965 (for short 'the Act') and the A.P. Urban Areas (Development) Act 1975.

Heard both sides.

Learned counsel appearing for the petitioner submits that the proceedings impugned in the writ petition have been issued by the respondent at the instance of persons against whom the petitioners filed civil suits. Whereas it is submitted by learned Standing Counsel for the respondent-Municipality that the impugned notice is appealable under section 345 of the Act and therefore the writ petition is not maintainable. The writ petitioner under the impugned notice issued by the respondent has been directed to remove the unauthorized structures. Under section 345 of the Act, the notice issued by the Commissioner is appealable and appeal lies to the Government. Such is the situation, the writ petitioner has to work out his remedy as provided under Sec.345 of the Act.

Accordingly, this writ petition is dismissed with liberty to the petitioner to work out his remedies as per section 345 of the A.P. Municipalities Act, 1965. No costs.

22.07.2005

ksld

To

1. The Commissioner, Kukatpally Municipality, Kukatpally, R.R.District.
2. 2 CD copies

3) 1 CC to MR.POLISETTI RADHAKRISHNA (SC FOR MPL)

*Form-NIC-OGS/WP{**SPJS**}*